

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Allegation of corruption against Sri S.Rajasekhar, Town Planning & Building Overseer (Building Inspector), Municipal Corporation, Anantapur – Trapped on 20.06.2008 - Acquitted by Court of Ist Addl. Special Judge for SPE & ACB Cases, Hyderabad in C.C.No.3/2009 – Further action dropped – Orders – Issued.

MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT

G.O.Rt.No. 1729

Dated:28-12-2012

Read the following:

- 1.From the Dy.Supdt. of Police, ACB, Anantapur Range, Anantapur, Radio message dated 21/22.06.2008.
- 2.Govt. Memo. No.10683/Vig.I(i)/2008-1, MA&UD Deptt., dated 30-6-2008.
- 3.From the DTCP,A Hyd. Procdgs. Roc.No.5936/2008 /M3, dated 1.7.2008.
- 4.From the DG., ACB C.No.162/RCT-ATP/2008-S14, dated 4.7.2008.
5. From the DG., ACB C.No.162/RCT-ATP/2008-S14, dated 17.11.2008.
- 6.G.O.Ms.No.42, MA&UD (Vig.I(i)) Deptt., dated 20.1.2009.
7. Govt. Memo.No.10683/Vig.I(i)/2008-7, MA&UD Deptt., dated 3.8.2011.
8. From 1st Addl. Special Judge for SPE & ACB Cases, cum V Addl. Chief Judge, City Civil Court, Hyd., Judgement dated 30.8.2011.
- 9.From the DG, ACB, Hyd, Lr.C.No.152/RCT-ATP/2008-S-14, dated 11.11.2011.

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ORDER:

Whereas, in the reference 1st read above, a case was registered by Deputy Superintendent of Police, Anantapur on 21.22.2008, against Sri S.Rajasekhar, TPBO (Building Inspector), O/o Commissioner, Municipal Corporation of Anantapur on allegation of demand and acceptance of bribe amount Rs.1,500/- from the complainant Sri M.Ramamurthy, S/o M.Narasimhulu, Sangamesh Nagar, Anantapur for doing official favour of getting approval of the Building Plan of Smt. Vakula Devi, W/o Sri Venkata naidu, Vijayanagar Colony, Anantapur Town. In the reference 3rd read above, the AO Sri S.Rajaswkhar, TPBO, was placed under suspension by the Director of Town and Country Planning, Hyderabad, with effect from 21.6.2008.

2. In the reference 5th read above, the Director General, ACB, has furnished final report. He has substantiated the allegation and recommended for prosecution against the A.O. Sri.S.Rajasekhar, Town Planning and Building Overseer (Building Inspector), O/o. Commissioner, Municipal Corporation, Anantapur on demand and acceptance of bribe amount of Rs.1,500/- and also recommended for initiating Departmental Action against the A.O., for violation of Rules 3(1) and 3(2) of APSCS(Conduct) Rules, 1964.

(pto)

3. In the reference 6th read above, orders were issued according sanction for the prosecution of the AO, Sri S.Rajasekhar, TPBO, O/o Commissioner, Municipal Corporation of Anantapur. In the reference 7th read above, the Director of Town and Country Planning, Hyderabad has been directed to initiate departmental action against the AO for violation of rule 9(7) and rule 3(1), (2) of APCS (Conduct) Rules, 1964. The charge sheet was filed vide C.C.No.3/2009, dated 26.2.2009 in ACB Court. Subsequently, in the reference 7th read above, the AO, Sri S.Rajasekhar, TPBO, was reinstated into service, without prejudice to criminal / disciplinary action. He has joined to duty with effect from 6.10.2011.

4. In the reference 8th read above, the First Addl. Special Judge for SPE & ACB Cases, Hyderabad, in the order dated 30.8.2011, in C.C.No.3/2009, among others, has disposed of the case against the A.O. Sri S.Rajasekhar, TPBO, Tadipatri Municipality as follows:

"since the prosecution failed to prove the demand and acceptance of the bribe amount by AO, he opined that a benefit of doubt can be given to AO. He hold that the prosecution has not proved the guilt of AO for the offences punishable under Sections 7 and 13 (2) r/w Sec. 13 (1) (d) of P.C. Act, 1988 beyond all reasonable doubts. Accordingly this point is answered against the prosecution.

In the result, the accused officer is found not guilty for the offences punishable under sections 7 and Sec. 13 (2) r/w Sec. 13 (1) (d) of Prevention of Corruption Act, 1988 and accordingly, he is acquitted under section 248 (1) Cr. P.C. for the offence punishable under sections 7 and Sec. 3 (2) r/w Sec. 13 (1) (d) of P.C.Act, 1988. The bail bond of the accused officer shall stand cancelled after appeal time is over. MO 5 tainted amount of Rs.1500/- (Rupees fifteen hundred only) shall be confiscated to state after expiry of appeal time. Since, PW 1 deposed that one Prasad Municipal Corporator gave the said amount. Other MOs and unmarked non-valuables if any shall be destroyed after expiry of appeal time.

5. In the reference 9th read above, the Director General, ACB, Hyderabad, while communicating the copy of the above judgment of Ist Addl. Special Judge for SPE & ACB Cases, Hyderabad dated 30.8.2011, in C.C.No.3/2009, against the AO, Sri S.Rajasekhar, Town Planning Building Overseer (Building Inspector), has stated that the Bureau is of the opinion that there are no grounds to prefer an appeal against acquittal orders of the trial court, and requested to communicate necessary orders.

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6. Government after careful examination of the matter and duly obtaining the advice of advisory body, hereby drop further against the AO, Sri S.Rajasekhar, TPBO, Tadipatri Municipality, as he was acquitted by Ist Addl. Judge for SPE and ACB Cases, Hyderabad, vide its order dated 30.8.2011 in C.C.No.3 of 2009.

7. The Director General, ACB, Hyderabad shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**B.SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri S.Rajasekhar, TPBO, Tadipatri Municipality
through Director of Town and Country Planning, Hyderabad.
The Director of Town and Country Planning, Hyderabad.
The Director General, ACB, Hyderabad.

Copy to:

The Secretary to Vigilance Commission, APVC, Hyderabad.
The Private Secretary to M(MA).
The Commissioner, Anantapur Municipal Corporation, Anantapur.
SF/SC.

// Forwarded by Order //

SECTION OFFICER